
Public Notice

Applicant:

Ohio Wetlands Corporation

Date:

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**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 1999-01406(0) Section: OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The Ohio Wetlands Corporation, 3675 Africa Road, Galena, Ohio 43021-9579, has submitted a conceptual plan for the construction of a wetland mitigation bank on a 462 acre parcel bisected by State Route 166 in Thompson and Trumbull Townships, Geauga and Ashtabula Counties, Ohio. The purpose of the proposed wetland mitigation bank is to restore wetlands in order to provide compensatory mitigation in advance of authorized impacts to aquatic resources.

Under Section 404 of the Clean Water Act (CWA), applicants for Department of the Army permits to discharge dredged or fill material into waters of the United States, including wetlands, are often required to mitigate for permitted wetland losses by creating, restoring, enhancing, or, in exceptional circumstances, preserving wetlands or streams. The proposed mitigation bank will provide the Corps and the regulated public with an additional option for compensatory mitigation of aquatic resource losses.

The Ohio Wetlands Corporation proposes to restore 313 acres and enhance 10 acres of wetlands and preserve 43 acres of existing wetlands. Approximately 1.53 acres of wetlands will be filled to construct the proposed 15 berms. In addition, approximately 6.4 acres of lowland forested wetlands will be converted to shallow and deep emergent marsh and open water areas.

The establishment and use of this wetland mitigation bank will be as specified in a mitigation banking instrument under consideration by the Mitigation Bank Review Team (MBRT). The MBRT is comprised of the U.S. Army Corps of Engineers-Buffalo District, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service, the Ohio Department of Natural Resources, and the Ohio Environmental Protection Agency (OEPA). The earthwork required for the construction of the mitigation bank may be authorized under Letter of Permission.

Applicants proposing to discharge dredged or fill material into wetlands, and to compensate for those wetland losses at the mitigation bank, will be subject to the same level of review as other applicants, and will be required to avoid or minimize impacts to aquatic resources to the maximum extent practicable, in accordance with the U.S.

Environmental Protection Agency Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR Part 230).

Use of the mitigation bank will be permitted if the Corps determines that it is environmentally preferable to on-site mitigation. In instances where the permittee is required to obtain an individual water quality certification under Section 401 of the CWA, use of the bank will also be subject to approval of the OEPA. Applicants who are permitted to use the bank to compensate for wetland losses will be required to purchase credits from the Ohio Wetland Corporation. The number or ratio of credits required to offset permitted wetland losses will be determined by the Corps (and OEPA, if required) on a case-by-case basis. The Corps (or OEPA, if applicable), may also reject any proposal to use the bank and require an alternate mitigation plan.

The proposed service area for the mitigation bank is the Ashtabula, Chagrin, and Grand River watersheds and the Cuyahoga River watershed within Geauga County, Ohio.

The Ohio Wetland Corporation has requested authorization to sell up to 30 percent of the anticipated credits at the mitigation site prior to its construction, in order to finance construction costs. Thereafter, additional credits will be sold only after construction is completed and/or the Corps determines that the likelihood of success of the wetland restoration effort is sufficient to justify sale of additional credits.

Monitoring of the success of the mitigation site will occur for a minimum of five years following the completion of construction. Thereafter, the mitigation site will be owned and managed as a naturally functioning wetland system by the Ohio Department of Natural Resources, Division of Wildlife. Use of the mitigation site to compensate for wetland losses will cease when all available credits have been sold.

Location and details of the above described work are shown on the attached maps and drawings. A complete copy of the mitigation bank prospectus can be reviewed, by appointment, at the following locations:

U.S. Army Corps of Engineers
Orwell Field Office
33 Grand Valley Avenue
Orwell, Ohio 44076-9566
(440) 437-5840

U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199
(716) 879-4299

U.S. Army Corps of Engineers
NW Ohio Regulatory Field Office
1616 East Wooster Street
Bowling Green, Ohio 43402
(419) 353-6307

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with the November 28, 1995 Federal Guidance for the Establishment, Use and Operation of Mitigation Banks. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:00 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, Orwell Field Office, 33 Grand Valley Avenue, Orwell, Ohio 44076, and should be marked to the attention of Mark T. Lesinski, or by e-mail at: Mark.Lesinski@lrb01.usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the review of this mitigation bank prospectus. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.